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"scope note," and the dominating purpose seems to be the inclusion of "all the law" on the subject. This leaves the present bulky volume merely a running digest thrown into orderly shape with prodigious industry. It would seem quite appropriate if the present work had been presented as a new compilation, but the name of Wharton still has a commercial value, which doubtless justifies the retention of a considerable portion of his text. It must be added, however, that a volume such as this is a very substantial contribution to what may be termed the mechanical branch of legal literature as distinguished from that which is constructive.

A TREATISE ON THE LAW OF TAXATION BY SPECIAL ASSESSMENTS. By CHARLES H. HAMILTON. Chicago: George I. Jones. 1907. pp. lxxxv, 937.

In his preface the author describes his work as being "with the exception of the most excellent little work prepared as a thesis for a Doctor's degree by Mr. Rosewater more than a decade ago" the pioneer book upon the subject of special assessments. But Mr. Victor Rosewater's book, which was submitted in the faculty of political science of Columbia University, was not a legal treatise. It was described as "a study in municipal finance" and while it devoted a considerable chapter to the law of special assessments its main attention was turned to the history, the practical operation and the theory of the subject. Its value has been attested by others than Mr. Hamilton. It may be said then that Mr. Hamilton's work is the pioneer legal work on this subject, notwithstanding the exception that he makes.

The developing importance of the subject of special assessments is witnessed by the public revenue raised in this way and by the accumulating decisions on the subject. For example in Chicago in 1905, the sum of \$16,845,974.19 was raised from general taxation, and almost a third of this amount, or \$5,026,521.91 from special assessments. St. Louis the same year raised \$8,563,109.00 from general taxation and \$2,402,814.94 from special assessments. In 1886 Welty's work on assessments was published. It devoted two chapters to street improvement assessments and cited 170 cases. Mr. Hamilton, writing twenty years later, has found it necessary to examine more than twenty times that number of cases.

If a second name were sought for this work it might be described as "The Law of Special Public Benefits" so thoroughly is the author convinced that "the only logical, just or economic authority for the exercise of the power is the special benefit received by the property taxed, by reason of the improvement," a conviction which leads him to declare that the elimination of the principle of benefits leaves nothing to justify the imposition of a special assessment. "It then becomes," he says, "pure and simple, a taking of private property for public use without just compensation, and without due process of law." Yet there are courts which do not take this uncompromising view. Mr. Hamilton is impatient with the New York Court of Appeals whose theory, he says, seems to be that benefits are the proper foundation for the right to impose a special assessment, but that if the legislature arbitrarily determines that the property in a certain district is in fact benefited to the amount of the tax imposed, such action of the legislature is final and the courts cannot interfere.

The subjects considered in the treatise are the origin, history and definition of special assessments; constitutional and statutory powers and restrictions; limitations on the exercise of the power; purposes for which special assessments are authorized; property subject to special assessments and exemptions; initiatory proceedings; proceedings necessary to acquire and retain jurisdiction; confirmation; damages; collection; and duties, rights and remedies of the taxpayer. The book follows the method of faithful legal compilation and exposition, with an occasional not unwelcome interjection of personal opinion and suggestion. The general method of treatment appears to be well adapted to practical uses, and the ground is so thoroughly covered that it should be of much value to the practitioner or special student of the subject.

THE AMERICAN LAWYER: AS HE WAS—AS HE IS—AS HE CAN BE.
By JOHN R. DOS PASSOS. New York: The Banks Law Publishing Company. 1907. pp. iv, 185.

It is an old and cherished aspiration, that of the coming of some great lawyer, some avatar of the profession, skilled in all its mysteries but emancipated from its traditions and conventions, who shall in the fullness of time appear and hold the mirror of judgment up to the bar and its pretensions. Apparently the author of this little volume, himself a respected member of the New York bar, believes himself to be the one called to this high duty. His avowed aim is to bring home to the profession to which he belongs "The Delphian invocation"—"know thyself." Before him "no lawyer has yet published the real nature of his calling—going from the top to the bottom of it." He proposes "to endeavor to ascertain accurately the due relation of lawyers to other interests of the community and then to inquire if they have lived up to it." He undertakes to answer the questions, "What is a lawyer? What is his real mission? What relation does he bear to the government of which he is a citizen? What are his real duties to society?"—no mean task, if it be adequately performed.

It is a disappointment to be obliged to record an adverse judgment on this pretentious performance. It was hardly to be expected that the whole duty of the lawyer could be adequately set forth and expounded within the compass of 185 pages, but the bar certainly had a right to look for judicious criticism, sage counsel and a reasoned exposition of its functions in the body politic, from the point of view of a veteran practitioner. None of these things appear, however, in the pages of the book before us. Instead we have indiscriminate denunciation of the legal profession, the law, the doctrine of *stare decisis* (which has outlived its usefulness, if it ever had any, and which in its best estate "necessarily dwarfed the intellect and stifled moral convictions") and the legal education of to-day. The author has two pet aversions, the "case method" of legal instruction (which he doesn't understand) and the New York Code of Civil Procedure (which must be very bad indeed, if it deserves a tithe of the epithets which he lavishes upon it), and he is full of poignant regrets for the departed glories of the profession—its forensic eloquence, its high-bred courtesy, its profound and varied learning, its "aristocratic and social prestige."